IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 22443 of 1994

Between:

1 Gude Jaganmohana Rao, S/o. Lakshmipathi,
r/o.Ganiatkur, Kanchikacherla (M), Krishna District.
2 G. Madhusudhana Rao, S/o. Lakshmipathi,
r/o.Ganiatkur, Kanchikacherla (M), Krishna District.

..... PETITIONERS

AND

1 The District Collector , Krishna District, Chilakalapudi, Machilipatnam.
2 The Mandal Revenue Officer, Kanchikacherla, Krishna District.
3 The Govt., of A.P., rep. by its Secretary Revenue (ASN II) Department,
Secretariat, Hyderabad.
R3 impleaded as per court order dt.26.12.97 in W.P.M.P. 28377/97.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or direction, calling for the records relating to the proceedings of the District Collector, Krishna, at Machilipatnam Vide Rc.B/7599/94, dt.19.12.1994 and quash the same and consequently direct the Respondents herein not to interfere with the peaceful possession and enjoyment of the petitioners in the land of Ac.10.00 in R.S.NO.342/1 in Ganiatkur (V), Kanchikacherla (M), Krishna District.

Counsel for the Petitioners: MR.T.S.ANAND

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The grievance of the petitioners is that they were allotted Ac.10.00 of land being the freedom fighters, but the allotment was cancelled without notice by impugned proceedings dated 19-12-1994. These proceedings merely state that the earlier instructions issued for allotment of land to the petitioners were cancelled and the Mandal Revenue Officer, Kanchikacherla had been given instructions that he should allot Acs.5.00 each to the petitioners from some other piece of land. But the Sub Collector, Vijayawada reported that the land of Acs.35.18 in Sy.No.342 had already been acquired for providing house sites to the SCs and BCs and the house site pattas had already been given to the beneficiaries and the beneficiaries had started a Cooperative Joint Farming to take up cultivation jointly in the land. Therefore, in the circumstances reported by the Sub Collector, the earlier instructions issued in D.O.C.C.No.350/94, dated 16-07-2004, by which land has been allotted to the petitioners were cancelled. The Collector asked the Mandal Revenue Officer to take back the land from the political sufferers i.e., petitioners and to allot other Government land in the village to the petitioners. It is further contended, which is also not disputed in the counter, that the land allotted to the SCs and BCs were not taken by them because of shortage of water. This Court ordered status quo.

Now it is for the respondents to consider which piece of land to be allotted to SCs and BCs and which piece of land to be allotted to the petitioners. If the land is available out of the Acs.35.18 referred to above, the land of Acs.5.oo each may be allotted to the petitioners and if that land is not available, the respondents shall allot land admeasuring Ac.5.00 acres each in the same village out of other land available. The respondents shall pass orders within a period of one month from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

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(BILAL NAZIK, J)

26-08-2004

VS/YS

To

1 The District Collector , Krishna District, Chilakalapudi, Machilipatnam.
2 The Mandal Revenue Officer, Kanchikacherla, Krishna District.
3 The Secretary, Govt., of A.P., Revenue (ASN II) Department, Secretariat, Hyderabad.
4. 2 CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.